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**OFFICE OF PETITIONS**

In re Application of  
Kenneth A. Parulski et al.  
Application No. 10/051,342  
Filed: January 18, 2002  
Attorney Docket No. 84002F-P

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed March 29, 2006, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Final Office Action mailed February 2, 2004. A shortened statutory period of three months was set for replying to the Final Office Action. Petitioners were notified in an advisory action mailed February 16, 2006 that a response filed August 17, 2004 did not place the application in condition for allowance. Thus, the application became abandoned May 3, 2004. Accordingly, a Notice of Abandonment was mailed March 13, 2006.

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<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In response to the Final Office Action mailed February 2, 2004, petitioner has submitted a Request for Continued Examination (RCE) and requests that the amendment previously submitted on August 14, 2004 be considered as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 3676 for processing of the RCE and submission.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions